

**ELEVENTH DAY.**

Senate Chamber,  
Austin, Texas,  
Friday, June 1, 1923.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Davis.	Strong.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Darwin.	Wirtz.
Stuart.	

Absent—Excused.

Bledsoe.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senator Wirtz for today, on account of important business, on motion of Senator Cousins.

**Painting Capitol Dome.**

Senator Clark sent up and requested to have read a poem.

Senator Cousins moved to table the motion, and the motion to table was lost.

The Secretary then read the poem, as follows:

By Mrs. R. H. Griffith.

It was pale moonlight on the Capitol Hill

As I sat there nursing my Hay-Fever Bill,

And all of a sudden right out of the night

I heard a moan that gave me a fright

And as it nearer and nearer drew  
The volume of sound in proportion grew,

Until one would think that all the ills

Had gathered from off the Capitol Hills.

As I hugged me closer my Emergency Bill

And hid in a corner as still as still  
When gliding out into plain sight  
Came a well known figure dressed in white.

She held a bright star up on high  
And trailing her robes came gliding by.

And out of my corner, in spite of her moan,

I rushed to the dame from the Capitol dome.

"My, dear, my dear, now you are in a fix,

You who've been on the dome since eighty-six;

The joys of our Lone Star State will die

Unless you encourage us from on high."

Then between each moan the fair one said,

As she quickly moved with her restless tread,

"I once was fair for all to see  
From the ranches far to the Texas sea.

But now whether people come by rail,

Or come in a car o'er the Spanish Trail,

And look up to see the bright lone star

That is Texas pride from near and far

I can hear them gasp, and I see them smile,

For I, who have stood on a granite pile,

Am now, to the whole world just a fright

Sitting on a bird cage painted white."

Then with a terrible shudder and sigh

That increased to a moan that rent the sky

She slid through the door and off to roam

While I trailed her side, like a swimmer the foam.

I twitched her elbow and she bent her ear,

As if 'twere only for her to hear,

And as she stooped, I saw, on my life,

A painter's bucket and a painter's knife.

"Ah, now, fair one off the Capitol dome,"

Then she interrupted me with a moan;

But I must say my say at last

And what was the past must be the past.

"Ah, now, fair lady tell me true, What with that bucket will you do?"

So she crossed her heart and promised to tell,

As she swung our star in the air pell-mell.

"If you must make it your bizz

I am going to the Austin Kwill Klub Kwizz

So I wandered down from my bird cage white

And then on out into the night

So the Legislature would not see

That I was determined now to flee

And for myself to gather at last

The colors I need to look like the past."

She shook her head, wept a bitter tear,

When out of the Senate we could suddenly hear

Four thousand dollars come tumbling down

To paint the dome and dispell her frown;

She retraced her steps and spake with glee,

"Nobody knows how glad I be,

For until it is done I'll look a fright Sitting on a bird cage painted white."

#### S. B. No. 4—Motion to Recommit.

Senator Fairchild moved that S. B. No. 4, which was favorably reported today by the Finance Committee, be recommitted to that committee.

Yeas and nays were demanded, and the motion to recommit was lost by the following vote:

Yeas—8.

Bailey.	Pollard.
Doyle.	Strong.
Fairchild.	Thomas.
Holbrook.	Watts.

Nays—16.

Baugh.	Parr.
Bowers.	Rice.
Clark.	Ridgeway.
Darwin.	Rogers.
Davis.	Turner.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Murphy.	Wirtz.
Stuart.	

Absent—Excused.

Bledsoe.

(Pair Recorded.)

Senator Burkett (present), who who would vote nay; with Senator Cousins (absent), who would vote yea.

#### S. B. No. 9 on Passage to Engrossment.

The Chair laid before the Senate as pending business, on its passage to engrossment,

S. B. No. 9, making emergency appropriations for the support of the State government for the balance of the present fiscal year, with motion by Senator Wood to reconsider the vote by which an amendment to the Comptroller's Department relating to paying salaries of district attorneys, offered by Senator Fairchild, was adopted on yesterday.

Yeas and nays were demanded, and the motion to reconsider was lost by the following vote:

Yeas—9.

Baugh.	Rogers.
Darwin.	Turner.
Floyd.	Witt.
Lewis.	Wood.
Ridgeway.	

Nays—18.

Bailey.	Clark.
Bowers.	Cousins.
Burkett.	Davis.

Doyle.	Pollard.
Fairchild.	Rice.
<b>Holbrook.</b>	Strong.
McMillin.	Thomas.
Murphy.	Watts.
Parr.	Woods.

Absent.

Stuart.	Wirtz.
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Absent—Excused.

Bledsoe.

Senator Floyd offered the following amendment to the bill:

Amend the bill, page 3, by striking out last line, page 3, and lines 1, 2 and 3, top of page 4, of the typewritten bill.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—9.

Bailey.	Murphy.
Clark.	Strong.
Doyle.	Turner.
Floyd.	Watts.
Holbrook.	

Nays—13.

Bowers.	McMillin.
Burkett.	Pollard.
Cousins.	Rice.
Darwin.	Ridgeway.
Davis.	Rogers.
Fairchild.	Wood.
Lewis.	

Absent.

Baugh.	Wirtz.
Parr.	Witt.
Stuart.	Woods.
Thomas.	

Absent—Excused.

Bledsoe.

Senator Bailey offered the following amendment to the bill:

Amend the bill by striking out the item of "\$2,000.00 for traveling expenses of Nursery Division" (line 4, page 4, typewritten bill).

Senator Darwin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—18.

Bowers.	Cousins.
Burkett.	Darwin.

Davis.	Rice.
Fairchild.	Ridgeway.
Holbrook.	Rogers.
Lewis.	Turner.
McMillin.	Watts.
Murphy.	Wood.
Pollard.	Woods.

Nays—6.

Bailey.	Floyd.
Clark.	Strong.
Doyle.	Thomas

Absent.

Baugh.	Wirtz.
Parr.	Witt.
Stuart.	

Absent—Excused.

Bledsoe.

Senator Doyle offered the following amendment to the bill:

Amend S. B. No. 9 by striking out the figures "\$2,000.00" and insert in lieu thereof the figures "\$1,000.00" (amending line 4, page 4, of the typewritten bill).

The amendment was lost.

The Department of the Game, Fish and Oyster Commissioner was read.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 9 by striking out the appropriation of \$1,000.00 for "publicity, education, etc., about the economic value of game, fish and oysters" (tenth item, page 4, of the typewritten bill).

The amendment was adopted.

Senator Doyle offered the following amendment to the bill:

Amend S. B. No. 9 by striking out the figures "\$2,500.00" and insert in lieu thereof the figures "\$1,500.00" (being ninth item of page 4 of typewritten bill).

Senator Lewis offered the following substitute for the amendment:

Amend S. B. No. 9 by changing the figures "\$2,500.00" to "\$1,250" after the words "General traveling expenses for game patrol work," on page 4 of the bill (ninth item on page 4 of typewritten bill).

Senator Wood moved to table both the substitute and the amendment, and the motion to table was lost.

The substitute was then adopted.

Question then recurred on the amendment as substituted.

Yeas and nays were demanded, and the amendment, as substituted, was adopted by the following vote:

**Yeas—16.**

Bailey.	McMillin.
Burkett.	Pollard.
Cousins.	Rice.
Darwin.	Strong.
Doyle.	Thomas.
Fairchild.	Turner.
Holbrook.	Watts.
Lewis.	Woods.

**Nays—9.**

Bowers.	Ridgeway.
Clark.	Rogers.
Davis.	Witt.
Floyd.	Wood.
Murphy.	

**Absent.**

Baugh.	Stuart.
Parr.	Wirtz.

**Absent—Excused.**

Bledsoe.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 9 by adding after the "Game, Fish and Oyster Commission" the following: "Provided, that the appropriations herein made for the Game, Fish and Oyster Commission shall be paid out of the special game fund provided for in Article 4039a, Revised Statutes."

The amendment was adopted.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 9 by striking out all of lines 3 and 4, page 3, of printed bill.

The amendment was adopted.

Senator Doyle offered the following amendment to the bill:

Amend the bill by striking out "\$1,300.00" (fourth item, page 6, of typewritten bill).

On motion of Senator Wood, the amendment was tabled.

**Recess.**

Senator Rogers moved that the Senate recess until 1:30 p. m. today.

Senator Holbrook moved that the Senate recess until 2 p. m. today.

On motion of Senator Witt, the Senate at 12:05 p. m. recessed until 2:30 p. m. today.

**Afternoon Session.**

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

**S. B. No. 15—House Amendments Concurred In.**

Senator Darwin called up S. B. No. 15, and moved that the Senate concur in the following House amendments:

Amend S. B. No. 15 by adding at the end of Section 1 the following: "Provided, that no part of said expended balance of said appropriation shall be used to pay claims of persons claiming damages sustained because of cotton condemned and destroyed as provided in said Chapter 41 or to pay expenses or to pay the salaries of the Compensation Claim Board provided by said Chapter 41."

The motion to concur prevailed by the following vote:

**Yeas—23.**

Baugh.	Parr.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Murphy.	

**Absent.**

Bailey.	Stuart.
Lewis.	Wirtz.
Pollard.	

**Absent—Excused.**

Bledsoe.	Clark.
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**S. B. No. 9 on Engrossment.**

The Chair laid before the Senate as pending business, on its passage to engrossment,

S. B. No. 9, making emergency appropriations for the support of State government for the balance of the present fiscal year.

Senator Burkett moved to reconsider the vote by which the following amendment offered yesterday by Senators Burkett and Pollard was tabled:

Amend S. B. No. 9 by striking out "\$5,000.00" and insert "\$2,500.00."

Senator Murphy moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—13.

Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Witt.
Murphy.	Wood.
Parr.	

Nays—9.

Burkett.	Rice.
Doyle.	Strong.
Fairchild.	Watts.
Holbrook.	Woods.
McMillin.	

Absent.

Lewis.	Stuart.
Pollard.	Wirtz.

Absent—Excused.

Bledsoe.	Clark.
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(Pair Recorded.)

Senator Floyd (present), who would vote nay; with Senator Bailey (absent), who would vote yea.

Senator McMillin offered the following amendment to the bill:

Amend S. B. No. 9, page 8, type-written bill, under heading of (page 6, line 5, printed bill) "Stephen F. Austin State Teachers College, by reducing item for improvement of grounds from \$15,000.00 to \$5,000.00."

Senator Cousins moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Bowers.	Davis.
Burkett.	Fairchild.
Cousins.	Murphy.
Darwin.	Parr.

Rogers.
Strong.
Thomas.

Turner.
Witt.
Wood.

Nays—10.

Baugh.	McMillin.
Doyle.	Rice.
Floyd.	Ridgeway.
Holbrook.	Watts.
Lewis.	Woods.

Absent.

Bailey.	Stuart.
Pollard.	Wirtz.

Absent—Excused.

Bledsoe.	Clark.
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Senator Doyle offered the following amendment to the bill:

Amend by striking out the figures "\$26,000.00" and insert in lieu thereof the figures "\$16,000.00" (item 9, page 8, of typewritten bill).

(President Pro Tem H. L. Lewis in the Chair.)

Senator Cousins moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—13.

Bowers.	Parr.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Turner.
Holbrook.	Witt.
Lewis.	Wood.
Murphy.	

Nays—11.

Baugh.	Rice.
Burkett.	Strong.
Doyle.	Thomas.
Fairchild.	Watts.
Floyd.	Woods.
McMillin.	

Absent.

Bailey.	Stuart.
Pollard.	Wirtz.

Absent—Excused.

Bledsoe.	Clark.
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Senator Thomas offered the following amendment to the bill:

Amend S. B. No. 9 by striking out the figures "\$7,884.64," line 21,

page 6, printed bill (second item, page 9, of the typewritten bill).

On motion of Senator Wood, the amendment was tabled.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 9, page —, line 17, under Grubbs Vocational College, by striking out the figures "\$4,424.31" (sixth item, page 9, typewritten bill).

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—15.**

Baugh.	Parr.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Davis.	Turner.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	

**Nays—8.**

Darwin.	Holbrook.
Doyle.	Strong.
Fairchild.	Thomas.
Floyd.	Watts.

**Present—Not Voting.**

Woods.

**Absent.**

Bailey.	Stuart.
Pollard.	Wirtz.

**Absent—Excused.**

Bledsoe.	Clark.
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Senator Wood offered the following amendment to the bill:

"For conducting legislative reference work in the State Library for June, July and August, 1923, \$100.00" (page 8 of typewritten bill).

The amendment was adopted.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 9 by striking out the figures "6,000.00" in line 26, page 5, and insert in lieu thereof the figures "\$5,000.00."

On motion of Senator Wood, the amendment was tabled.

S. B. No. 9 was then passed to engrossment.

**S. B. No. 9 on Third Reading.**

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 9 was put upon its third reading and final passage by the following vote:

**Yeas—21.**

Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Ridgeway.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Lewis.	

**Nays—2.**

McMillin.	Rice.
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**Absent.**

Bailey.	Stuart.
Pollard.	Wirtz.
Rogers.	

**Absent—Excused.**

Bledsoe.	Clark.
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The Chair then laid S. B. No. 9 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—16.**

Baugh.	Lewis.
Bowers.	Murphy.
Cousins.	Parr.
Darwin.	Ridgeway.
Davis.	Thomas.
Fairchild.	Turner.
Floyd.	Witt.
Holbrook.	Wood.

**Nays—7.**

Burkett.	Strong.
Doyle.	Watts.
McMillin.	Woods.
Rice.	

**Absent.**

Bailey.	Stuart.
Pollard.	Wirtz.
Rogers.	

**Absent—Excused.**

Bledsoe.	Clark.
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**Excused.**

Senator Clark for this afternoon and until Monday, on account of important business, on motion of Senator Woods.

**Invitation.**

The Chair laid before the Senate the following invitation:

Texas School for the Blind,  
Austin, Texas, June 1, 1923.

To the Hon. T. W. Davidson, and  
Members of the State Senate,  
Austin, Texas.

Gentlemen: You are most cordially invited to be present at the Commencement Exercises of the Texas School for the Blind in the school auditorium, as follows:

Gymnasium Exhibition, Friday,  
June 2, 8:15 p. m.

Commencement Sermon, Sunday,  
June 3, 3:30 p. m.

Graduation Exercises, Monday,  
June 4, 8:15 p. m.

Final Concert, Tuesday, June 5,  
3:15 p. m.

Very respectfully,

E. E. BRAMLETTE,  
Superintendent.

On motion of Senator Wood, the invitation was accepted.

**S. B. No. 10 on Second Reading.**

On motion of Senator Wood, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 10, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this Act, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and the committee report that it be not printed, was adopted.

(Senator McMillin in the Chair.)

Senator Lewis offered the following amendment to the bill:

Amend S. B. No. 10, line 6, by striking out letter "H" between the letter "W" and the word "Foster"

and inserting in lieu of the said letter "H" the letter "N."

The amendment was adopted.

Senator Thomas offered the following amendment to the bill:

Amend S. B. No. 10 by adding an additional item as follows: "\$248.65 to reimburse R. H. Kirk for taxes he paid State of Texas twice."

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend S. B. No. 10, page 599, of Journal, line 6, first column, by striking out the letter "D" and insert the letter "W."

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend S. B. No. 10 by adding thereto an additional item as follows:

"Buell Lumber Co. for refund of excess payment on franchise tax, \$32.00."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 10, page 1, Section 2, by striking out the figures "\$439,946.50," and inserting in lieu thereof the figures "329,946.50, and be proportionally distributed."

On motion of Senator Cousins, the amendment was tabled.

Senator Doyle offered the following amendment to the bill:

Amend S. B. No. 10, page 598, by adding the following: "Pay W. W. Moores for services as special district judge for two days in July, 1922, \$21.90."

The amendment was adopted.

The bill was then passed to engrossment.

**S. B. No. 10 on Third Reading.**

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 10 was put upon its third reading and final passage by the following vote:

Yeas—21.

Bowers.	Davis.
Burkett.	Doyle.
Cousins.	Floyd.
Darwin.	Holbrook.

Lewis.	Thomas.
McMillin.	Turner.
Murphy.	Watts.
Parr.	Witt.
Rice.	Wood.
Ridgeway.	Woods.
Strong.	

Nays—1.

Fairchild.

Absent.

Bailey.	Rogers.
Baugh.	Stuart.
Bledsoe.	Wirtz.
Pollard.	

Absent—Excused.

Clark.

The Chair then laid S. B. No. 10 before the Senate on its third reading and final passage.

The bill was read third time.

Senator Watts offered the following amendment to the bill:

Amend S. B. No. 10 by adding the claim of American National Bank of Austin for money advanced in the completion of two buildings at Agricultural and Mechanical College, "\$34,837.20."

On motion of Senator Floyd, the amendment was tabled.

The roll was then called, and S. B. No. 10 was finally passed by the following vote:

Yeas—17.

Bowers.	Parr.
Cousins.	Rice.
Darwin.	Ridgeway.
Davis.	Thomas.
Floyd.	Turner.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Nays—5.

Burkett.	Strong.
Doyle.	Watts.
Fairchild.	

Absent.

Bailey.	Rogers.
Baugh.	Stuart.
Clark.	Wirtz.
Pollard.	

Absent—Excused.

Bledsoe.

**Bills Read and Referred.**

The Chair (Lieutenant Governor

T. W. Davidson) had referred, after their captions had been read, the following House bills:

H. B. No. 12, to the Committee on State Affairs.

H. B. No. 22, to the Committee on Towns and City Corporations.

H. B. No. 11, to the Committee on State Affairs.

H. B. No. 36, to the Committee on State Affairs.

H. B. No. 67, to the Committee on State Affairs.

**Bill Signed.**

The Chair (Lieutenant Governor T. W. Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 15.

**Message from the House.**

Hall of the House of Representatives,  
Austin, Texas, June 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 36, A bill to be entitled "An Act amending Section 15 of Article 7355 of the Revised Civil Statutes of Texas of 1911, relative to occupation taxes; fixing the amount of taxes to be levied on all carnival companies; conferring upon counties, incorporated cities, towns and villages authority to levy occupation taxes; providing for the bringing of suit for the collection of such taxes due; fixing the venue thereof, and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on those who, in this State, refine, compound, manufacture, blend or prepare gasoline or gasoline substitutes from petroleum or natural gas and sell same in intrastate commerce in this State; and levying a State occupation tax on those who make the first sale in intrastate commerce in this State of gasoline or gasoline substitute, brought into the State from outside the State which has been refined, compounded,



manufactured, blended or prepared from petroleum or natural gas; requiring reports to be made, and records to be kept, and permitting inspection thereof by proper public officials, and prescribing penalties for failure to comply with the Act in order to facilitate collection of such occupation taxes; providing for the interest on delinquent taxes and penalties; making disposition of the taxes after collected; providing for suits for taxes, penalties and interest and compensation of officers bringing same; defining gasoline; declaring the legislative intent as to parts of the Act being held invalid; repealing the present gasoline occupation tax law; defining 'person' as used in the Act, and declaring an emergency."

H. B. No. 58, A bill to be entitled "An Act levying an occupation tax on persons, firms, corporations, associations, partnerships and persons operating under declarations of trust, engaged in the occupation of manufacturing, buying or selling goods, wares or merchandise, or following any profession where the person following same maintains an office in this State and receives compensation for personal services; providing that said tax shall be placed in the State Treasury, and to be collected through the county tax collectors; enacting the necessary provisions for carrying out the purposes of this Act; providing for suits for such taxes, penalties and interest; prescribing penalties for pursuing occupation without paying such tax; exempting those engaged in such occupation who, under present laws, already pay an occupation tax on such occupation or business; exempting those engaged in mechanical or agricultural pursuits, and exempting occupations which, under the Constitution, the Legislature cannot tax; exempting any occupation carried on in interstate commerce, and declaring an emergency," amended by striking out the enacting clause by a vote of 61 yeas, 40 nays.

H. B. No. 59, A bill to be entitled "An Act to repeal Senate Bill No. 281, enacted by the Regular Session of the Thirty-eighth Legislature, it being 'An Act releasing the inhabitants of and property in Hidalgo

County for a period of twenty-five years from the payment of taxes levied for State purposes, because of great public calamities in said county, as provided in Section 10 of Article 8 of the State Constitution; and provided that said county shall vote bonds of said county to prevent the recurrence of such calamities, and in case of the failure of the county to vote such bonds by or before October 1, 1924, and Act shall become null and void, and said taxes collected in the usual manner and paid into the State Treasury, and providing an emergency," and declaring an emergency," postponed indefinitely by a vote of 66 yeas, 44 nays.

H. B. No. 12, A bill to be entitled "An Act to amend Article 7629 of the Revised Civil Statutes of 1911 pertaining to credits allowed tax collectors for unpaid taxes reported or returned by them as delinquent or insolvent."

Respectfully submitted,  
C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### Recess.

Senator Floyd moved that the Senate recess until 8 p. m. today.

On motion of Senator Darwin, the Senate at 5:15 p. m. recessed until 10 o'clock a. m. tomorrow.

#### APPENDIX.

##### Petitions and Memorials.

The Chair (Lieutenant Governor T. W. Davidson) offered and had read a telegram from Mrs. Percy V. Pennybacker, earnestly pleading that the Senate sustain the original appropriation for repainting the Capitol dome, and not permit the appropriation to be cut out.

Senator Floyd offered and had read a telegram from Red River County agents; also one from the Lions Club and the Chamber of Commerce of Sulphur Springs, both urging that no cut be made in Agricultural and Mechanical College appropriations.

Senator Holbrook offered and had read the following communication from Mrs. Lee J. Rountree, wife of late deceased House member:

Bryan, Texas, May 30, 1923.  
 Senator T. J. Holbrook,  
 Austin, Texas.

My Dear Senator Holbrook:

The Bonham bill before the House, seeking to cut the \$600,000 reclamation bill to \$300,000, I hope you with other friends of the reclamation bill will see that this bill is killed in the Senate. I am appealing to you as a personal friend of Mr. Rountree and as one who knows the value of this reclamation program to the State, to defend for him the cause which I feel he gave his life for.

Anything done in behalf of the Rountree-Holbrook Reclamation Bill will be greatly appreciated by me, and any time I can be of service I shall count it a privilege to be called upon for my one motive now in living is to carry the torch Mr. Rountree left me burning, that it may light others to enlist in the service for the things he lived and died for.

Very sincerely,

MRS. LEE J. ROUNTREE.

#### Committee Reports.

Senate Chamber,  
 Austin, Texas, June 1, 1923.  
 Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 6 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,  
 Austin, Texas, June 1, 1923.  
 Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred,

S. B. No. 4, A bill to be entitled "An Act making appropriations for the State Government for two years beginning September 1, 1923, and ending August 31, 1925, and for other purposes and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

6—Senate.

Committee Room,  
 Austin, Texas, June 1, 1923.  
 Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 22, A bill to be entitled "An Act amending Subdivision (1) of Section 1 of an 'Act authorizing and empowering certain municipalities of this State to fix and prescribe the annual salaries or compensation of their city or corporation judge, city attorney, and city auditor, at not exceeding a maximum prescribed sum, fixing the maximum amount thereof and declaring an emergency,' being House Bill No. 101, Chapter 21, of the General Laws of Texas, approved June 17, 1920 and effective June 17, 1920, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be not printed.

RIDGEWAY, Chairman.

Committee Room,  
 Austin, Texas, June 1, 1923.  
 Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 25, A bill to be entitled "An Act amending Section 13 of Article 7355, Revised Civil Statutes of the State of Texas, 1911, imposing an occupation tax upon theatrical, dramatic and musical comedy shows and amusements for which pay for admission is demanded or received, and which travel from place to place and give exhibitions the amount of tax to be determined according to the number of inhabitants in cities and towns affected by this Act and by the amount charged for admission; making certain exemptions from the provisions of this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal with committee amendments.

WITT, Chairman.

#### Committee Amendments.

Add Section 2 to read as follows:

Sec. 2. Provided, however, that

nothing in this Act shall be construed to impose a tax upon traveling shows giving exhibitions for private profit in regular established theaters subject to an occupation tax under this Act.

Add Section 3 to read as follows:

Sec. 3. This Act shall not be construed to mean that a regular established theater showing pictures, vaudeville or theatrical presentations, or either of same, shall pay more than one occupation tax.

Make House engrossed rider to read Section 4.

Change emergency clause to read Section 5.

(Majority Report.)

Committee Room,  
Austin, Texas, June 1, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

H. B. No. 35, A bill to be entitled "An Act amending the Act passed by the Thirty-eighth Legislature at its Regular Session, approved January 31, 1923, the same being House Bill No. 17, entitled 'An Act requiring the Board of Water Engineers and the State reclamation engineer, in conformity to the Statutes determining their powers and duties, to make, cause to be made, and report to the Governor an adequate topographical and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable, advancing all such work as found feasible to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this Act, and declaring an emergency,' amending said bill so as to reduce the appropriation therein made; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, June 1, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred H. B. No. 35, regarding the reduction of appropriations for flood reclamation work, have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

HOLBROOK.

**ELEVENTH DAY.**  
(Continued.)

Senate Chamber,  
Austin, Texas,  
Saturday, June 2, 1923.  
The Senate met at 10 o'clock a. m. and was called to order by Lieutenant Governor T. W. Davidson.

**S. B. No. 12 and H. B. No. 35 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 12.

Under the Senate rules, the Chair laid before the Senate on its second reading,

H. B. No. 35, A bill to be entitled "An Act to amend House Bill No. 17, passed at the Regular Session of the Thirty-eighth Legislature of Texas, and approved by the Governor January 13, 1923, the Act amended being an act requiring the Board of Water Engineers and the State Reclamation Engineer in conformity to the statute determining their powers and duties to make and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream water sheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; di-